

REMARKS

The requirement for restriction is the only issue raised in the present Office Action. Applicants provisionally elect Group I (Claims 1-5) with traverse for further prosecution on the merits. The Applicants hereby reserve the right to file a divisional application for any non-elected subject matter in this application.

Claim 6 recites “[n]anocomposite solution manufactured according to the method of for preparation of the nanocomposite solution according to claim 1.” Applicants submit that claim 6 is a product-by-process claim (e.g., the product claimed in claim 6 is made by practicing the process claimed in claim 1. In addition, the process claimed in claim 1 is not an obvious process for making the product claimed in claim 6, and the process claimed in claim 1 cannot be used to make another product which is materially different from the subject product of claim 6. Further, the product claimed in claim 6 cannot be made by another process which is materially different from the subject process of claim 1. Therefore, it is respectfully submitted that the process claimed in claim 1 and the product claim in claim 6 do not constitute distinct inventions. Thus, the restriction requirement as to claim 6 is traversed at least for the reasons set forth above.

In the event the Examiner has any queries regarding the presently submitted response, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

Application 10/569,540
Response dated: September 28, 2009
In Reply to Restriction Requirement dated: August 27, 2009

If there are any associated or additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,

CANTOR COLBURN LLP

By /James J. Merrick/
James J. Merrick
Reg. No. 43,801
Cantor Colburn LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
PTO Customer No. 23413
Telephone: (860) 286-2929
Fax: (860) 286-0115

Date: September 28, 2009